"EXHIBIT 5"

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

KATHI BOWMAN, INDIVIDUALLY AND ON BEHALF OF ALL OTHER PERSONS SIMILARLY SITUATED,)
Plaintiff,	}
v.	Case No. 3:09-CV-16
CROSSMARK, INC.,	Jordan/Shirley
Defendant.) }

DECLARATION OF SHIRLEY CHESNEY

- L Shirley Chesney, declare as follows:
- 1. My name is Shirley Chesney. I am a citizen of the United States, and I am over the age of eighteen (18) years. I have not been convicted of a felony or of a crime involving moral turpitude within the last ten years. The statements herein are based on my personal knowledge. I am competent to testify to the matters set forth herein.
- I have been employed by CROSSMARK as a retail representative since January
 2. 2000. Malinda Hackworth is my current Supervisor. In this capacity, I have obtained knowledge of the facts contained herein.
- I have been contacted by both Kathi Bowman and her attorney about this lawsuit, including on or about May 2009. Ms. Bowman's attorney contacted me at both my home and on my cell phone number even though I previously had asked Ms. Bowman not to provide my contact information to her attorney. He left a message for me, but I did not return his calls. I am not interested in joining this lawsuit as a plaintiff.

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 I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signed this 24 day of February 2010.

Shirley Chesney